

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG CARROLL,

Plaintiff,

v.

BUREAU OF PRISONS UNITED
STATES PENITENTIARY, ATWATER,

Defendant.

No. 1:21-cv-00081-DAD-SKO (PC)

ORDER DIRECTING THE FILING OF
SUPPLEMENTAL BRIEFING AND
DOCUMENTATION

(Doc. Nos. 2, 8)

Plaintiff Craig Carroll is a federal prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 30, 2021, the magistrate judge issued findings and recommendations, recommending that this action be dismissed due to plaintiff's failure to pay the filing fee or file an application to proceed *in forma pauperis* and because plaintiff did not respond to the courts' orders¹ directing compliance with this requirement. (Doc. No. 8.)

¹ On January 25, 2021, the assigned magistrate judge issued an order directing plaintiff to pay the filing fee for this action or submit an application to proceed *in forma pauperis*. (Doc. No. 4.) Plaintiff failed to do so or otherwise respond to the judge's order. Therefore, on March 24, 2021, the magistrate judge issued an order to show cause why this action should not be dismissed for failure to comply with a court order. (Doc. No. 6.) Therein, plaintiff was cautioned that "[f]ailure to comply with this order w[ould] result in a recommendation that this action be dismissed." (*Id.*) Plaintiff failed to respond to the order to show cause.

1 The undersigned notes that the docket reflects that plaintiff filed a motion to proceed *in*
2 *forma pauperis* on January 21, 2021, which is the same day his complaint was filed. (Doc. No.
3 2.) While plaintiff did not use the court-provided application (*see, e.g.*, Doc. No. 4-1), he
4 nonetheless had attempted to comply with the requirement to pay the filing fee or request *in*
5 *forma pauperis* status.

6 If plaintiff wishes to continue to litigate this action, he is directed to file a copy of his most
7 recent prisoner trust fund account statement with the court, as well as complete the attached
8 application to proceed *in forma pauperis* within fourteen (14) days of service of this order.

9 Accordingly,

- 10 1. Plaintiff is directed to file a completed application to proceed *in forma pauperis* and to
11 file a copy of his most recent prisoner trust fund account statement within fourteen
12 (14) days from the date of service of this order; and
- 13 2. The Clerk of the Court is directed to send the Eastern District of California's
14 application to proceed *in forma pauperis* by a prisoner form to plaintiff at his address
15 of record.

16 IT IS SO ORDERED.

17 Dated: **June 14, 2021**

18 
UNITED STATES DISTRICT JUDGE